

FREEMAN, NOOTER & GINSBERG
ATTORNEYS AT LAW

LOUIS M. FREEMAN
THOMAS H. NOOTER*
LEE A. GINSBERG

75 MAIDEN LANE
SUITE 503
NEW YORK, N.Y. 10038

NADJIA LIMANI
OF COUNSEL

(212) 608-0808
TELECOPIER (212) 962-9696

CHARLENE RAMOS
OFFICE MANAGER

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EX PARTE

Honorable Eric N. Vitaliano
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: United States v. Gary Kershner
13 CR 452 (ENV)**

Dear Judge Vitaliano:

As the court is aware I was assigned to represent Mr. Kershner for purposes of sentence and post conviction proceedings. I have been able to meet with Mr. Kershner on one occasion when he flew to New York from Arizona. All of our other contacts have been through email and telephone. I have reviewed the entire file but Mr. Kershner has some specific information regarding things that occurred outside of the documented material and in relation to his representation by his then counsel, Lawrence Dubin. It is my current intention to file a Rule 33 motion which will essentially focus on the representation issue and argue for a new trial.

I have located a paralegal in Tucson, Arizona, where Mr. Kershner lives who will be able to sit with Mr. Kershner and go through the entire history of the case with a focus on the representational issues. This will avoid travel by me to Arizona and will present a useful and more efficient way for me to collect the additional information that I need to prepare an affidavit for Mr. Kershner and an affirmation and memorandum of law from me.

Therefore, I respectfully request that the court approve CJA funds for Mr. David Bujorgard to assist me in this matter in the capacity of a paralegal for up to 30 hours of work at the rate of \$45/hr.

Respectfully,

/S/ Lee Ginsberg
Lee Ginsberg